

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... DEC 7 1977

Returned to applicant for correction..... MAY 8 1978

Corrected application filed.....

Map filed..... DEC 7 1977

The applicant..... Richard B. Swallow

S.R. 5, Box 19....., of..... Ely.....
Street and No. or P.O. Box No. City or Town

Nevada 89301....., hereby make S application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is..... Lincoln Creek & Tributaries
Name of stream, lake or other source.

2. The amount of water applied for is..... 5.0 cfs.....second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.....acre-feet

3. The water to be used for..... Irrigation and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated)..... 440 acres

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 29, T12N, R68E, MDB&M, (Unsurveyed) whence the Southeast corner of section 24, T12N, R67E, MDB&M bears N 69° 06' 42" W, 9,531.00 feet distant
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.

6. Place of use..... SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 13; NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 24, NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 26, all in T12N, R67E, MDB&M.
Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1st and end about December 31st, of each year.
Day and Month Day and Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Water will be diverted through approx. 10,000' of "V" ditches into a storage pond, then pumped into a portable sprinkler system.
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works.....\$10,000.00.....
10. Estimated time required to construct works.....3 years.....
11. Estimated time required to complete the application to beneficial use.....5 years.....
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

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Applicant.....Richard B. Swallow.....

By.....s/ Richard Forman.....

Richard W. Forman, Agent

Compared.....lp/ga.....W/gkl.....

P.O. Box 150

Ely, NV 89301

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The source of water under this permit is floodwater, and as such, the State Engineer makes no guarantee as to water availability and delivery.

This permit is issued subject to all existing rights on the source. It is understood that the 5.0 cubic feet per second, herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

All surface water must be used for irrigation prior to the use of any of the supplemental groundwater.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.0 cubic feet per second, not to exceed 1,760.0 acre-feet annually, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

September 5, 2007

Proof of completion of work shall be filed on or before:

October 5, 2007

Water must be placed to beneficial use on or before:

September 5, 2010

Proof of the application of water to beneficial use shall be filed on or before:

October 5, 2010

Map in support of proof of beneficial use shall be filed on or before:

October 5, 2010

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 5th day of September A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____